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REPORT
No. 97-470

U.S. POLICY IN THE WESTERN HEMISPHERE

JUNE 9 (legislative day, JUNE 8), 1982.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S.J. Res. 158]

The Committee on Foreign Relations, to which was referred the joint resolution (S.J. Res. 158) expressing the policy of the Government of the United States of America with respect to the Government of Cuba, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution as amended do pass.

BACKGROUND

Recent developments in the Caribbean and Central America, and the importance attributed to these developments by the Reagan Administration, have returned U.S. policy in the region to the center of public and congressional attention. Not since the early 1960's has U.S. policy in the region caused such widespread public interest and congressional involvement. In particular, the activities of Cuba and the events in El Salvador have resulted in a number of legislative proposals during the second session of the 97th Congress which were referred to the Committee on Foreign Relations.

The Committee has considered each of the proposals before it, but rather than act upon them individually, has chosen to develop an original proposal which reflects the general consensus among Committee Members on the issues raised.

COMMITTEE ACTION

Against the background of increased Administration emphasis and heightened public concern, the full Committee and its Subcommittee

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on Western Hemisphere Affairs have conducted an extensive series of hearings on the Caribbean and Central American region. During the last 6 months alone, the Committee conducted the following schedule:

December 10, 1981, Subc., Briefing on Caribbean Basin security.

December 14, 1981, Subc., U.S. Policy in Central America.

December 15, 1981, Subc., U.S. Policy in Central America (continued).

January 28, 1982, Full, Military Situation in Guatemala and El Salvador.

February 1, 1982, Subc., Prospects for Democracy in Central America and the Caribbean.

February 5, 1982, Full, Venezuela Arms Sales.

February 8, 1982, Full, President's Certification on El Salvador.

February 25, 1982, Subc., Human Rights in Nicaragua.

March 1, 1982, Subc., Human Rights in Nicaragua (continued).

March 11, 1982, Full, President's Certification on El Salvador.

March 16, 1982, Full, Exec. Briefing on situation in El Salvador.

March 25, 1982, Full, Caribbean Basin Initiative.

March 31, 1982, Full, Caribbean Basin Initiative (continued).

April 1, 1982, Full, Negotiating in El Salvador.

April 20, 1982, Full, Exec. Briefing on Cuba.

April 20, 1982, Full, U.S. Policy on Central America and the Caribbean.

April 27, 1982, Full, U.S. Policy on Central America and the Caribbean.

April 28, 1982, Full, Exec. and Open Briefing on situation in Guatemala.

May 4, 1982, Full, Discussion and Markup of Resolutions relating to Central America and the Caribbean.

Finally, on May 11, the Committee ordered reported an amended version of S.J. Res. 158 in the form of a substitute titled "U.S. Policy in the Western Hemisphere." Nine Members of the Committee voted for the resolution at the Committee meeting: Senators Percy, Mathias, Kassebaum, Pell, Biden, Glenn, Sarbanes, Tsongas and Dodd. Senator Helms voted present. Subsequently, five other Members of the Committee asked to be recorded in support of the resolution: Senators Hayakawa, Lugar, Boschwitz, Zorinsky and Cranston. Senator Helms later asked to be recorded in the negative and submitted minority views to this report.

COMMITTEE COMMENTS

The Committee's proposed resolution seeks to accomplish several objectives. First, it is intended to make clear that U.S. policy toward particular countries in the Caribbean and Central America is based upon a broad set of principles and treaty obligations which reflect a number of positive goals for the hemisphere as a whole. In stating generally what the United States is prepared to support and what it is determined to oppose, the resolution makes clear that our policy is not simply one of reaction to perceived threats as they arise, nor is it fixed forever upon old grievances and assumptions, but instead grows out of a long-standing concern for the progressive and peaceful development of the region. The Committee is particularly con-

cerned that any statement of United States policy toward the Caribbean and Central America should emphasize the positive and constructive aspects of that policy.

Second, with respect to the countries of greatest current concern, Cuba and El Salvador, the resolution sets forth more specific objectives which are discussed further below.

Third, the resolution reinforces rather than modifies the procedures in existing law which mandate prior and continuing consultation between the executive and Congressional Branches—and, in certain circumstances, the need for specific authorization—regarding the use of military, economic, and other means of executing U.S. policy. Several of the proposals before the Committee sought to prescribe or proscribe the means to be used. The Committee did not choose to take a position on such matters beyond the standards and procedures in existing law. Instead, the present resolution underscores the need for congressional consultation prior to the initiation of particular actions in light of the circumstances at the time which might justify such actions.

U.S. policy toward Cuba

In formulating its statement of present U.S. policy toward Cuba, the Committee began from the earlier statement of U.S. policy, the so-called "Cuban Resolution" of 1962 (P.L. 87–733). That resolution was passed overwhelmingly by Congress in September 1962, just before the Cuban missile crisis the following month. It was enacted after reports about Soviet activities in Cuba had raised Congressional concerns that the Kennedy Administration was not taking the danger seriously enough, but before U.S. intelligence efforts had confirmed to the President that the Soviets were engaged in deploying medium and intermediate range nuclear missiles in Cuba.

In short, Senator John Sparkman's resolution, Senate Joint Resolution 230, was passed and signed at a time when military action to prevent such deployment was being seriously advocated and was very shortly undertaken. The 1962 resolution was meant to urge the President to act decisively in a situation of imminent threat to the mainland of the United States. It added legal and political support to the measures subsequently taken by the President himself during the missile crisis.

One of the proposals before the Committee, offered by Senator Stephen Symms, would simply have reaffirmed and re-enacted the 1962 resolution. On April 14, the Symms proposal on Cuba, then considered as an amendment to a simple Senate resolution, had been tabled by the Senate. For several reasons, the Committee does not believe that Senator Symms' proposal, now presented in the form of a joint resolution, provides an adequate statement of present U.S. policy toward Cuba.

First, as noted above, the Committee believes that any resolution on U.S. policy in the region should include a broad set of positive goals, and not be limited to security concerns, however important they may be. The 1962 Cuban Resolution, because of the security threat from Soviet missiles which prompted its passage, does not adequately convey such goals two decades later.

Second, the formulation of U.S. concerns about Cuba should highlight the supreme security threats which would result from the re-

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introduction of nuclear weapons or other offensive capabilities which directly endanger the United States. Such threats were covered by the understanding reached between the United States and the Soviet Union after the Cuban missile crisis and concern the central strategic balance between the superpowers. (A summary of the so-called "Kennedy-Khrushchev understandings" is included in an Appendix to this report.) The more indirect threats to U.S. security resulting from Cuban efforts to export Marxist-Leninist ideology and revolution, though serious in their impact on the hemisphere and a longer range threat to the United States itself, are in a different category of danger and therefore call for a different type and level of U.S. response.

Critics of an earlier version of the Committee resolution argued that it "watered down" or "softened" the language of the 1962 resolution on this point. The Committee believes, on the contrary, that the 1962 resolution—in mentioning the use of armed force in the context of Cuban aggression and subversion but not with respect to possible direct military threats from Cuba—actually reverses the appropriate order of U.S. concerns. Furthermore, since that resolution predated the U.S.-Soviet understandings following the missile crisis, it could not adequately convey the outcome of those exchanges. The Committee's language, without ruling out the possible use of force to respond to serious threats of either kind, intentionally emphasizes the more serious threats to U.S. security.

A third shortcoming of the 1962 resolution is its general encouragement of the use of force to respond to Cuban aggression or subversion in a manner which seems to forego the constitutional responsibilities of Congress. The Cuban Resolution was the product of an earlier era and a different attitude on the part of most members of Congress toward the power to make war on behalf of the United States. Open-ended mandates for the use of force, such as those also inserted in the Middle East Resolution of 1957 and the Tonkin Gulf Resolution of 1964,[1] were superceded by the War Powers Resolution, in which Congress—by extraordinary majorities in both Houses—insisted on a closer involvement in such decisions.

In the earlier floor debate on his amendment, and in testimony before the Committee Senator Symms argued that he had no intention of authorizing the use of force by means of his resolution and therefore that it would have no legal effects under the War Powers Resolution. This argument misconstrues the framework of the War Powers Act and the appropriate role for Congress envisioned by it. Section 2(c) of the War Powers Resolution does state that the President's constitutional power to introduce forces into combat is limited to circumstances in which there is either (1) a declaration of war, (2) a specific statutory authorization, or (3) a national emergency resulting from an attack on U.S. territory or armed forces. But Presidents have since interpreted this "Purpose and Policy" section of the Resolution as Congressional opinion only and therefore non-binding as a legal matter. In practice, therefore, the Resolution has been interpreted to allow Presidential combat initiatives under virtually any circumstance, subject only to the 60-day limit on such activity (without further Con-

[1] The Tonkin Gulf Resolution was repealed in 1970.

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gressional authorization) unless Congress vetoes the operation within a shorter period. Even the requirement for prior consultation with Congress "in every possible instance" has been interpreted flexibly. In considering whether to undertake most combat operations, in other words, the President lacks not legal authority, but political encouragement. With an open-ended mandate to use force, such as is provided in the language of the 1962 Cuban Resolution the President will be much less inclined to consider Congressional and public sensitivities in any given set of circumstances. Thus Congress will have foregone one of the principal virtues of the War Powers framework, an insistence upon case-by-case consultation which assures that Congressional input into such decisions will be keyed to particular circumstances and not provided in general terms once and for all. Section III of the Committee Resolution makes clear that the Committee intends to reinforce rather than dilute this feature of the War Powers Resolution.

Finally, the Committee believes that it is important for the United States to be receptive to diplomatic opportunities, including those which may be available through the Organization of American States (OAS) or at the initiative of other countries in the region, to accomplish the objective of reducing Cuban involvement in the political and social affairs of other countries in the hemisphere. Both bilateral and multilateral negotiations and agreements should be pursued where there is a reasonable prospect of accomplishing the result.

U.S. policy toward El Salvador

With respect to the ongoing Salvadoran conflict, the language of section II of the resolution reflects the Committee's view that United States policy should be based on the following considerations:

(1) A satisfactory military resolution of the conflict is not possible;

(2) The parties to the conflict should make a serious effort to negotiate an end to the fighting and the development of a framework for the peaceful and democratic resolution to the problems which divide Salvadoran society;

(3) Continued security assistance from the United States must be conditional upon the criteria established in legislation last year, including the continuation of economic and political reforms.

The Committee had before it several proposals relating specifically to U.S. policy in El Salvador. Several initiatives dealt with the issue of negotiations among the parties to the conflict. S.J. Res. 144, introduced by Senators Dodd and Tsongas; S. 2243, by Senators Hatfield, Weicker, Kennedy, and Eagleton; and a draft resolution developed by Senators Percy, Mathias, Kassebaum, and Glenn.

The Committee also considered two legislative proposals to limit the authority of the President. Senator Robert Byrd's proposed amendment to the War Powers Resolution, S. 2179, would prohibit the use of U.S. combat forces in El Salvador, except in very limited circumstances. The proposal by Senators Dodd and Tsongas, S. 2370, would go beyond combat involvement to require specific Congressional authorization during the next two years for any economic, military or other non-diplomatic initiative in Central America.

Although each of these proposals was considered by the Committee and discussed with representatives of the Reagan administration and

other witnesses, the Committee elected to develop an original proposal intended to reflect a consensus on these matters. Without attempting to address all aspects of U.S. policy toward El Salvador in detail, section II of the resolution does reflect in general terms the elements of the Committee's consensus on the basic thrust of U.S. policy.

The Committee believes that the Salvadoran elections of March 28 represented a heartening demonstration by the people of El Salvador of their longing for peace and for a right to be represented in decisions about the future of their country. At the same time, the Committee believes that the electoral process must be extended over time to include all elements of Salvadoran politics and that good faith negotiations among all parties to the current conflict can make a significant contribution to this objective.

The language of parts (a) and (b) of section II represents a balance among the views of Committee Members. Some Members believe that the emphasis of U.S. policy should be to insist upon unconditional and comprehensive negotiations to develop an overall political settlement. Other Members expressed concern that such an emphasis might suggest a preference for negotiated solutions which reflected the military balance of forces in the country rather than the representative choice of the Salvadoran people. The Committee agreed, however, that negotiations between the current government and all other political groups engaged in the current conflict should be attempted as a means to achieving an end to hostilities, enhancing democratic processes and procedures and providing a framework for long-term political stability in El Salvador. Responsible initiatives by other countries in the region to facilitate such negotiations should be encouraged and welcomed.

In the Committee's view, the continuation of the conflict can only lead to the further polarization of the country and the domination of both sides of the political spectrum by the most extreme and violence-prone elements of the society. Furthermore, the conflict in El Salvador provides a continuing opportunity for Cuban and other Soviet-sponsored infiltration and insurgency in Central America as a whole. A major objective of U.S. policy in El Salvador and Central America as a whole must be to reduce such opportunities by encouraging an end to the armed struggles in which Marxist revolutionaries thrive.

Finally, section II(c) expresses the sense of the Committee that the United States should provide security assistance to the Government of El Salvador, only to the extent that that government remains in compliance with criteria for assistance set out in section 728(d) of P.L. 97–113, the International Security and Development Cooperation Act of 1981. These criteria were developed in detailed discussions in Committee on May 4, 1981, and in floor debate in the Senate and in conference with Members of the House.

According to the criteria, U.S. security assistance would continue to be conditioned on the President's being able to certify at 6-month intervals that the Government of El Salvador is making progress in four areas. Specifically, the President must certify that the Government of El Salvador—

(1) Is making a concerted and significant effort to comply with internationally recognized human rights.

(2) Is achieving substantial control over all elements of its armed forces so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens.

(3) Is making continued progress in implementing essential economic and political reforms, including land reform.

(4) Is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

(a) a renouncement of further military and paramilitary activity; and

(b) the electoral process with internationally recognized observers.

The Committee understands progress in meeting these goals to mean clearly demonstrated improvements in each certification area over and above circumstances prevailing at the time of the immediately previous certification.

The Committee resolution does not address the matter of U.S. combat involvement in El Salvador, except by implication in Section III of the resolution.[2] On May 4, the Committee received testimony from the Senate Minority Leader, Robert C. Byrd, on behalf of his bill, S. 2179, which would amend the War Powers Resolution. Senator Byrd's proposed legislation would require specific authorization by Congress before U.S. troops could be introduced into El Salvador for combat purposes, except in response to an imminent military threat to the United States itself or in order to evacuate American citizens from the country.

The Committee recognizes the concerns expressed by Senator Byrd and the twenty-three Senators who joined with him in sponsoring his amendment, including three Members of the Committee. Despite repeated statements and assurances from the Administration that there is no intention to introduce U.S. combat forces into hostilities in El Salvador, the President and Secretary of State have not ruled out that option. Furthermore, public opinion polls reveal the overwhelming opposition of the American people to any combat involvement in that country.

Without incorporating the prohibition proposed by Senator Byrd, the committee has made clear in Section III of the proposed resolution that the President has a clear obligation under the War Powers Act to consult with the Congress prior to any future decision to commit combat forces to El Salvador. Furthermore, as the final sentence of the resolution indicates, the Committee is not presently aware of circumstances which would justify such extraordinary measures.

COST ESTIMATE AND REGULATORY IMPACT

In accordance with the Standing Rules of the Senate, the Committee concludes that there is no budgetary or regulatory impact of this resolution. The Congressional Budget Office has provided the following assessment:

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[2] See the discussion of Section III of the Committee amendment in the previous section.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 14, 1982.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S.J. Resolution 158, a joint resolution expressing the policy of the Government of the United States of America with respect to the Western Hemisphere, as ordered reported by the Senate Committee on Foreign Relations on May 11, 1982.

The resolution reaffirms the U.S. determination concerning Cuba to prevent the stationing of nuclear weapons by the Soviet Union and the expansion of Marxist-Leninist ideology in the hemisphere by force or threat of force. In addition, the resolution encourages all parties to the conflict in El Salvador to begin good faith negotiations to end the hostilities and bring a peaceful, democratic solution to the conflict. It is expected that no additional cost to the government will be incurred as a result of enactment of the legislation.

Sincerely,

JAMES BLUM,
(For Alice M. Rivlin, Director).

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MINORITY VIEWS BY SENATOR HELMS

I had no hesitation whatsoever about becoming the first of 23 cosponsors of the original version of S.J. Res. 158, introduced by Senator Symms. The original version is a clear and straightforward restatement of American policy. I consider it an especially timely initiative now: the United States is at a critical point in its relationship with Latin America, yet in certain quarters there has appeared the suggestion that the United States no longer intends to reflect the resolve expressed in the original joint resolution passed by the Senate on September 20, 1962, by the House on September 26, and signed into law on October 3, 1962.

Many voices have asserted that the 1962 resolution, which has been fundamental policy for every Administration since that time—and which is still public law—no longer reflects the realities of U.S. relations with Cuba and that the reaffirmation of that resolution now would amount to a "revival of cold-war rhetoric." Such a statement is itself rhetoric—disheartening rhetoric of surrender and retreat, rhetoric that denies the very meaning of America.

The Committee action of May 11, which combined watered-down language from the original Symms resolution (S.J. Res. 158) with language designed to satisfy the authors of several other resolutions dealing with U.S. policy in Latin America, was well-intended. It sought to conntinue a document which could garner a consensus of the Committee membership in the spirit of comity. It was attempting to find a consensus which would reaffirm the determination of the United Cuban threat to the security of the United States. I voted "present," reserving the right to change my vote. I had hoped that the Committee report would emphasize the positive aspects of the resolution; unfortunately, the report serves to amplify the confusion. Therefore, I cast my vote "no."

I regret that the Committee version of S.J. Res. 158, which this report accompanies, has emerged as an ambiguously-worded and contradictory statement which would do nothing to clarify the policy of the United States to our Hemisphere.

The Subcommittee on Western Hemisphere Affairs held a series of hearings, commencing on December 14, 1981, detailing the Cuban campaign of orchestrated violence and subversion perpetrated by force throughout the Hemisphere, but concentrating on the Central American region. There is no ambiguity, no lingering doubt, about the intensity of this campaign, nor is there any doubt as to the magnitude of the threat which a Cubanized, Communized Central America and Caribbean region would pose to the security of the United States and its allies. Nonetheless, the Committee chose to remove key elements of the Symms Amendment, sending the signal that our resolve has weakened in the face of the possibility of success of the Cuban venture—a most dangerous development, in my view, should it be allowed to endure.

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Moreover, the Committee apparently felt that it would have been awkward to deal with five different pieces of legislation before mark-up. Thus, the watered-down language from the Symms resolution was added to language from several other initiatives, equally endowed with generous doses of ambiguity, all of which essentially contradict the language of the Symms resolution, even in its diluted form. The essence of the contradiction lies in the assumption that, on the one hand, Cuban subversion, terrorism, and export of revolution is to be opposed [Par. I(b)], but on the other hand we should recognize as legitimate the vehicles of said terrorism and subversion. The self-proclaimed revolutionary guerrillas in El Salvador are treated as welcome partners in "good-faith" negotiations designed to bring "a peaceful and democratic solution" to the conflict in that country [Par. II(a)].

While this certainly conveys a longing, shared by the Committee and the overwhelming majority of the people of El Salvador, for peace and freedom in that country, it implies a whole series of assumptions about the nature of negotiating with the left, about the character and intentions of the Salvadoran guerrillas, and about the meaning of the Salvadoran elections of March 28. Indeed, the election is almost dismissed as not representative of the views of the people. The Salvadoran guerrillas have been dedicated to the destruction of Salvadoran society and an imposition of their rule, by force, since the day they first began their revolution. To grant the terrorists equal standing by means of a joint resolution with those brave and democratic Salvadorans who went to the polls in spite of death threats by those very guerrillas—to give the guerrillas such a seal of approval—would be tantamount to throwing the democratic and peaceful aspirations of the people of El Salvador in the ashcan of history.

Thus, the Committee version of S.J. Res. 158, while watering down the expression of American resolve to resist Cuban aggression in the Hemisphere, is ambiguous and misleading in its implication that the most blatant and violent form of that aggression—the Cuban-supported Salvadoran leftist guerrilla insurgency—should receive our seal of approval in the form of a vote of confidence giving equal footing for the guerrillas and for the democratic elements which have been our allies in fighting those guerrillas.

In sum, the original Symms language (S.J. Res. 158) is a clear and straightforward statement of U.S. policy which has been consistently held by each Administration since 1962 and which has been public law for the past 20 years. The Committee version, while reflecting the desire for consensus for careful wording and for timeliness—sentiments which I support—nonetheless suffers from the fatal juxtaposition of contradictory aims, aspiring to resist Cuban terrorism in general, while congratulating it and welcoming it as a full and democratic partner in the particular.

The Symms resolution in its original form is clear and concise. It reflects the policy of the Administration, as witnessed by the resounding support of the Departments of Defense and State, as well as the White House. There is no reason why that original version should be changed, and I am obliged to oppose adoption of the Committee substitute.

JESSE HELMS.

APPENDIX

THE "KENNEDY-KHRUSHCHEV UNDERSTANDINGS" AND THEIR SUPPLEMENTS

In the course of the Cuban Missile Crisis in 1962 and its aftermath, President John F. Kennedy and Soviet Premier Nikita S. Khrushchev arrived at certain general "understandings" with respect to their future policies toward Cuba. These understandings were supplemented and reaffirmed in 1970 during the Nixon Administration at the time of the U.S.-Soviet discussions on the issue of Soviet nuclear-armed submarines and Cuba. Although the Committee on Foreign Relations has received various classified briefings over the past 20 years relating to these understandings, the Committee staff believes that the public record provides an adequate summary of their nature and scope.

The public record of the Cuban missile crisis and subsequent U.S.-Soviet controversies over Cuba reveals the following:

On October 22, 1962, President Kennedy publicly revealed "unmistakable evidence" of Soviet missile sites in Cuba despite American warnings and false Soviet statements that no such weapons existed. He announced a "strict quarantine on all offensive military equipment" going to Cuba.

The same day, President Kennedy wrote Chairman Khrushchev protesting "the rapid deployment of long-range missile bases and other offensive weapons systems in Cuba" and expressing United States determination that this threat to the security of the hemisphere be removed.

Khrushchev and Kennedy exchanged letters over the next 6 days in an attempt to resolve their differences. The most important notes were:

Khrushchev's message of October 26 which expressed a willingness to "remove from Cuba the means which you regard as offensive" in exchange for American removal of missiles from Turkey. In addition, Khrushchev promised a Soviet guarantee not to attack Turkey in return for American pledges to "respect the inviolability of Cuba's borders and its sovereignty" and promises "not to invade Cuba."

Kennedy's reply of October 27 did not mention American missiles in Turkey, but insisted that "the first thing that needs to be done . . . is for work to cease on offensive missile bases in Cuba and for all weapons systems in Cuba capable of offensive use to be rendered inoperable." Kennedy went on to note that Khrushchev had proposed "to remove these weapons systems from Cuba under appropriate U.N. observation and supervision; and undertake, with suitable safeguards, to halt further introduction of such weapons into Cuba." The United States would agree "upon the establishment of adequate arrangements through the U.N. . . . to remove promptly the quarantine . . . and to give assurances against an invasion of Cuba."

Khrushchev referred on October 28 to "the weapons you describe as offensive." He then noted that Kennedy had assured him "that no at-

tack would be made on Cuba and that no invasion would take place." Consequently, he had ordered Soviet officers in Cuba "to stop the construction of the facilities indicated and to dismantle and return them to the Soviet Union."

What did the two sides agree upon in these and later exchanges?

1. After reviewing the entire public and classified record for President Nixon, Henry Kissinger characterized it as "implicit understanding," exchanging an American pledge not to invade Cuba for a Soviet promise to remove its offensive missiles from the island under U.N. observation and not to introduce them again.

2. "There was no formal understanding, in the sense of an agreement, either oral or in writing," Kissinger reported to President Nixon in September 1970 ("White House Years," p. 633). "The agreement was never explicitly completed because the Soviets did not agree to an acceptable verification system (because Castro's opposition) and we never made a formal non-invasion pledge." Originally President Kennedy had proposed on-site United Nations inspections to certify the removal of Soviet missiles. Castro, furious with Khrushchev for having retreated in the face of the American quarantine, refused to permit a United Nations presence. American knowledge of Soviet military activities in Cuba continued to come from sources other than U.N. observers.

3. In October and November of 1962, negotiations took place between American and Soviet diplomats (Adlai Stevenson, John McCloy, Vasily Kuznetsov, and Anastas Mikoyan) to implement the Kennedy-Khrushchev exchange. The two sides explained their desires, intentions and mutual expectations regarding Cuba. The American negotiators pressed for the removal of Il–28 jet fighter bombers, and the Soviets did crate them up and take them off the island on December 6. The Americans did not, however, demand the removal of all Soviet war materiel. Raymond Garthoff, a State Department official who served a Special Assistant for Soviet Bloc Politico-Military Affairs at the time, wrote on October 29, 1962, "We cannot reasonably insist that MIG fighters, surface-to-air-missiles or non-missile ground force weapons should be removed." (Raymond Garthoff, "American Reaction to Soviet Aircraft in Cuba, 1962 and 1978," Political Science Quarterly [Fall, 1980], 432). When National Security Advisor Kissinger looked at the McCloy-Kuznetsov talks in 1970, he concluded that the two sides understood each other's position (no Soviet offensive [meaning nuclear] capability in return for no U.S. invasion), but they "never formally buttoned down" a formulation of the Kennedy-Khrushchev understanding.

4. The United States explicitly refused to link the removal of Soviet missiles in Cuba to the dismantling of American IRBM's in Turkey.

5. The Cuba Government did not participate in the arrangement between Washington and Moscow except to ask Khrushchev to keep the missiles on the island. Castro insisted on the right to ask for Soviet military help, called the missiles defensive, and was not mollified by Washington's noninterference assurances. Cuba, in fact, regarded Soviet behavior in the missile crisis as an abject surrender to the United States.

6. In September 1970, the United States based its objection to Soviet construction of a submarine base in Cienfuegos, Cuba on the argument that the submarines were "a threat to the security of the United States." Kissinger's insistence to Soviet Ambassador Anatoly Dobrynin that the base be dismantled did not rest on the "illegality" of the submarine installation or a violation of the Kennedy-Khrushchev understandings. The Soviet Union undertook not to build an "operational submarine base" in Cuba, but did not foreswear the rights of its ships to make port calls in Cuba. Dobrynin did tell Kissinger "we do not have a submarine base in Cuba nor are we building a naval facility. We do not have a military naval facility, and we will abide strictly by our understandings of 1962." In other words, the Soviet Union, not the United States, initially raised the 1962 understanding during the 1970 controversy.

7. Soviet Mig-23's in Cuba became an issue in 1978. The fighter-bombers began arriving in late April, and press reports about them appeared in October and November. President Carter stated at a November 20 press conference that he had assurances from the Soviet Union that no arms shipments to Cuba had violated or would violate the 1962 understanding. Raymond Garthoff concluded in his 1980 article that "the introduction of Mig-23 fighter bombers into the Cuban Air Force in 1978 was not inconsistent with or in violation of any understanding between the United States and Soviet governments so long as these aircraft were limited in number and were not given a substantial offensive capability by being armed with nuclear weapons." (Garthoff, 1980, 438.)

8. In 1979 the United States objected to the presence of "a Soviet combat unit" in Cuba without specifically complaining about violations of the understanding of 1962. Secretary of State Cyrus Vance told reporters on September 5 that "we regard this as a very serious matter affecting our relations with the Soviet Union. The presence of this unit runs counter to long-held American policies." He went on to affirm "that I will not be satisfied with maintenance of the status quo." American objections to the presence of Soviet troops rested on the threats posed to U.S. security which justified responses irrespective of the understandings made in 1962.

On the basis of the public record, therefore, the following conclusions would seem justified:

No formal agreement as such exists between the United States and the Soviet Union. Each side understoods generally what the other means and has a good general knowledge of what the other side would and would not accept, but these agreements were never put down on paper precisely or formally expressed orally.

The United States objected to "offensive," i.e. nuclear weapons in Cuba, and the Soviet Union removed them in 1962. But, as Garthoff points out, "they did not promise, nor did we press them, either to remove all Soviet military personnel or not to introduce others in the future." (Garthoff, 1980, 438.)

Each side has felt free to refer to the earlier exchanges when it has seen fit, but neither has limited its actions to the terms of these general understandings. In their confrontations over Cuba, both Moscow and

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Washington have based their arguments upon their national security interests.

Cuba did not take part in the 1962 negotiations, was unhappy with the result, and did not publicly give any assurances to the United States. Furthermore, the Soviets gave no assurances about future Cuban behavior. Cuba said that it would not attack the United States or other nations, but it did not offer assurances about refraining from revolutionary activity.

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